UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/AC.182/L.93
27 January 1997
ENGLISH
ORIGINAL: SPANISH

SPECIAL COMMITTEE ON THE CHARTER
OF THE UNITED NATIONS AND ON
THE STRENGTHENING OF THE ROLE
OF THE ORGANIZATION

STRENGTHENING OF THE ROLE OF THE ORGANIZATION AND ENHANCING ITS EFFECTIVENESS

Revised version of the working paper submitted by the Cuban delegation[1]

In accordance with its mandate as set forth in General Assembly resolution 3499 (XXX), of 15 December 1975, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization must be directly involved in the restructuring exercise that is being conducted in the United Nations through the intensive process of negotiations carried on in the various open-ended working groups of the General Assembly in response to the growing recognition of the need for a comprehensive reform of the principal organs of the Organization.

The necessity of reforming the Security Council by making it more representative, more transparent and more democratic in its operations, and the necessity of achieving the delicate balance envisaged in the Charter between the roles of all the principal organs, and in particular, between the role of the General Assembly and that of the Security Council, impose on the Special Committee specific tasks in fulfilment of its mandate.

These tasks are also dictated by the increase in the membership of the Organization, by the full application of the principles of sovereign equality and equitable geographical representation based on the Organization's universal nature, and by the recognition that the United Nations remains a viable alternative for Member States.

Accordingly, the Special Committee has the important task of contributing actively to the efforts under way in the various open-ended working groups of

the General Assembly by providing a legal analysis, from a juridical perspective, on fundamental issues involved in the reform process, such as:

- the powers of the Security Council and the General Assembly in respect of the maintenance of international peace and security;

- the working methods of the Security Council in relation to other principal organs of the Organization and Member States.

On the basis of the foregoing, the Special Committee should perform the following tasks:

(a) Contribute, with studies of a legal nature, to the implementation of Chapter IV of the Charter, specifically Articles 10, 11, 12, 13, 14 and 15, dealing with the functions and powers of the General Assembly;

(b) Study, in the light of the reform process, the validity in the present circumstances of the general exception contained in Article 12 of the Charter with respect to the measures which the General Assembly may recommend with regard to a dispute which is being dealt with by the Security Council in the exercise of the functions assigned to it under the Charter;

(c) Determine what elements should be included in the definitive rules of procedure of the Security Council;

(d) Identify and develop approaches to the election of the Secretary-General of the United Nations so that the General Assembly will, in practice, have more than just a formal role in the process;

(e) Study the cases in which the Security Council has invoked Chapter VII of the Charter and make recommendations on the application of that Chapter;

(f) Consider possible measures for improving relations between the General Assembly and the Security Council and especially to evaluate the importance of General Assembly resolution 51/193, adopted at the fifty-first session on 17 December 1996, concerning the report of the Security Council.

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization may implement the aforementioned measures either directly or by creating subsidiary organs of an ad hoc nature.

Notes

[1] Official Records of the General Assembly, Fiftieth Session, Supplement No. 33 (A/50/33), para. 47.